

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES, ex rel. DR. SUSAN NEDZA,)	
)	
Relator,)	
)	
v.)	Case No. 15-cv-6937
)	
AMERICAN IMAGING MANAGEMENT, INC.,)	Judge Jorge L. Alonso
et al.,)	Magistrate Judge Cox
)	
Defendants.)	

**PRIORITY HEALTH'S MOTION TO DISMISS
RELATOR'S SECOND AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), Defendant Priority Health moves to dismiss both counts of the Relator's Second Amended Complaint, with prejudice, as to Priority Health. As set forth more fully in Priority Health's Memorandum of Law in Support of Its Motion to Dismiss Relator's Second Amended Complaint, which is being filed contemporaneously with this motion, the Relator fails as a matter of law to state any claim under the False Claims Act against Priority Health. Furthermore, the False Claims Act's public disclosure bar prevents the Relator's lawsuit from proceeding.

WHEREFORE, Priority Health respectfully requests that the Court (1) dismiss the Relator's Second Amended Complaint in its entirety, with prejudice, as to Priority Health, and (2) order such other and further relief as the Court deems just and proper.

Dated: March 13, 2018

Respectfully submitted,

PRIORITY HEALTH

By: /s/ John C. Kocoras

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 13, 2018, the foregoing *Defendant Priority Health's Motion to Dismiss Plaintiff's Second Amended Complaint* was filed through the Court's CM/ECF system, which shall send notification of such filing to all counsel of record at their e-mail addresses on file with the Court.

By: /s/ John C. Kocoras

John C. Kocoras

Attorney for Defendant Priority Health